

Message Text

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PAGE 01 BAGHDA 01807 110729Z

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ACTION NEA-10

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C O N F I D E N T I A L BAGHDAD 1807

E.O. 11652: GDS

TAGS: BEXP IZ

SUBJECT: TRADE COMPLAINT FROM THE IRAQI OIL REFINERIES
ADMINISTRATION (ORA)

REF: STATE 284765

1. E/C OFFICER DECEMBER 8 SAW ORA PURCHASING DIRECTOR TO DISCUSS ORA'S TRADE COMPLAINT AGAINST AMATEK FOR REFUSING TO SUPPLY SPARES FOR DAURA REFINERY BECAUSE OF SHIPPING BOYCOTT LANGUAGE IN PURCHASE ORDER. BECAUSE OF UNCERTAINTY AS TO WHETHER AMATEK HAS ACCEPTED SUGGESTION (REFTEL, PARA 3) THAT ORA AMEND PURCHASE ORDER TO REQUIRE NAME OF VESSEL AND PORTS OF CALL RATHER THAN CURRENT BOYCOTT SHIPPING PROVISION, E/C OFFICER PUT FORWARD IDEA AS PERSONAL SUGGESTION WHICH MIGHT HELP ORA OBTAIN THE NEEDED SPARES. PURCHASING DIRECTOR SAID THAT ORA COULD NOT CHANGE THE BOYCOTT PROVISION ON ITS OWN AUTHORITY; HOWEVER, BECAUSE ORA NEEDED THE SPARES, HE WOULD LIKE THE SUGGESTION IN WRITING SO ORA COULD TAKE THE MATTER UP WITH THE BOYCOTT OFFICE IN THE MINISTRY OF DOMESTIC TRADE. E/C OFFICER SAID HE WOULD SEEK AMATEK'S REACTION TO THE SUGGESTION, AND IF THE FIRM FOUND THE PROPOSAL ACCEPTABLE, USINT WOULD SEND A LETTER TO ORA OFFICIALLY PROPOSING THE IDEA OR ASK AMATEK TO DO SO.

2. COMMENT: WE RECOMMEND THAT AMATEK BE STRONGLY URGED TO ACCEPT POSITIVE LANGUAGE PROPOSED IN REFTEL. SOURCES INDICATE THAT ONE OF THE GOI'S GRIEVANCES AGAINST THE USG IS THAT U.S. ANTI-BOYCOTT PROVISIONS ARE PREVENTING
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PAGE 02 BAGHDA 01807 110729Z

THE SUPPLY OF SPARES, ESPECIALLY TO THE U.S.-BUILT DAURA

REFINERY. MOREOVER, AS THE GOI IS UNLIKELY TO FIND
ALTERNATIVE SOURCING, THIS CASE IS ONE OF FEW IN WHICH
WE HAVE SOME LEVERAGE TO URGE IRAQIS, AT LEAST ON A
CASE-BY-CASE BASIS, TO MODIFBOYCOTT LANGUAGE IN TENDER
DOCUMENTS AND PURCHASE ORDERS. IF AMATEK FINDS SUGGESTION
ACCEPTABLE, WE WOULD PREFER THAT IT ADDRESS LETTER DIRECTLY
TO ORA BUT SEND IT TO USINT AT DEPARTMENT OF STATE
ADDRESS SO WE CAN FORWARD IT UNDER COVERING LETTER TO
ORA.
WILEY

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